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Mexico

Fresh Deciduous Fruit

Preliminary Dumping Duty for Red & Golden Delicious Apples for NFE Members

2005

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Report Highlights:

The Secretariat of Economy (SE) announced in the *Diario Oficial* (Federal Register), on September 29, 2005, the preliminary anti-dumping duties for Red and Golden Delicious varieties from the United States for members of the NFE at 44.67 percent, except three companies that have been assigned lower duties. The 46.58 percent duty, determined in the initial dumping investigation, is still in place for other U.S. Red and Golden Delicious apple exporters that are not members of NFE.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1]
[MX]

Introduction: This report summarizes an announcement from the Secretariat of Economy on the apple antidumping investigation published in Mexico's "*Diario Oficial*" (Federal Register) on September 29, 2005.

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Preliminary Resolution of the antidumping investigation on the imports of Red Delicious apple varieties and their mutations and Golden Delicious apples, product included in the tariff line 0808.10.01 of the Tariff of the Law of the General Duties of Import and Export, originating and coming from the United States, investigation whose reinstatement was declared in compliance with sentence dictated October 28, 2003 for the First Collegiate Tribunal in Administrative Matter of the First Circuit, in the file R.A.431/2003-5523, relative to the court injunction number 1183/2002 promoted by the Northwest Fruit Exporters (NFE).

FAS/Mexico's Executive Summary: The Secretariat of Economy (SE) announced in the *Diario Oficial* (Federal Register), on September 29, 2005, the preliminary anti-dumping duties for Red and Golden Delicious varieties from the United States for NFE members listed in a previous official announcement (See MX5050) as follows:

COMPANY	DUTY %
Allen Bros Incorporated	10.53
Price Cold Storage and Packing Co., Inc.	0
Zirkle Fruit Co.	2.01
All other exporting Companies affiliated with the Northwest Fruit Exporters	44.67

According to the Resolution, several companies' applications were rejected because the submitted documentation was lacking the necessary information and data from the initial investigative period between 1994-96. Also, it is important to note that SE is indicating that prior to the final resolution companies are being requested to submit information for the time period from January 1, 2004 to June 30, 2005. All parties involved in this process should provide the corresponding information for this new period of time through the official formats. The publication indicates that all parties have 30 working days from September 29, 2005 to provide comments, additional information, data and documents for the case.

Background: According to the final resolution published by the *Diario Oficial* on August 12, 2002, the antidumping duty for Red and Golden Delicious Apples originating in the U.S. was set at 46.58 percent. Later several Washington companies submitted their own petition as new exporters and were exempted from the duty (Washington Export, L.L.C.; Borton & Sons, Inc.; Evans Fruit Co., Inc; 11R Sales, Inc.; C.M. Holtzinger Fruit Co.; and Washington Fruit and Produce Co). As a result of the filing of a court injunction by the NFE in 2002 and several subsequent court decisions, SE was required to eliminate the 46.58 percent duty on May 26, 2005, and restart the antidumping investigation for members of NFE (see report MX 5050).

FAS Comment: As expected, SE put in place antidumping duties very similar to what was in place before. This announcement comes at a time when the Mexican apple crop is being

harvested and put on the market, and before the new U.S. MY 2005/06 crop reaches the Mexican market. As mentioned above, the announcement indicates that the investigation is still continuing and that information for the more recent time period of January 2004 to June 2005 is being requested within 30 days. The companies that submitted information, but that did not comply with all the requirements, can resubmit the data for the new period in this 30-day window. Lawyers are investigating if those NFE member companies that could or did not provide information for prior to 1997 could now provide information for the new period of time that SE is considering and thus become eligible for a lower duty. After the 30-day comment period is completed, SE might summon all the parties to a public hearing by mid-December.

The 46.58 percent duty, determined during the initial dumping investigation, is still in place for other U.S. Red and Golden Delicious apple exporters that are not members of NFE, and they remain unable to submit information during this investigation. U.S. apples that are not of the Red and Golden delicious varieties are not subject to any duty.

Important Dates

1. Publication Date: September 29, 2005

2. Effective Date: September 30, 2005

3. Information Submission Date to SE: November 11, 2005 (30 working days from September 29, 2005)

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Useful Mexican Web Sites: Mexico's equivalent of the Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx and Mexico's equivalent of the Department of Commerce (SE) can be found at www.economia.gob.mx. These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained on the mentioned sites.